

positions 2-649. Positions 2-4 of SEQ ID NO:3 encode Phe as ttt, which is not shown in the instant application to be an initiator codon. The absence of an in frame initiation codon in SEQ ID NO:3 is evidence that positions 2-649 of SEQ ID NO:3 is not a full ORF and the SEQ ID NO:4 is a partial peptide sequence of a larger polypeptide. Accordingly, applicant has not provided an adequate written description for either the full length polypeptide or the nucleotide sequences that may encode it. Additionally, the claims encompass the full length genomic DNA, which DNA is not adequately described.

Without conceding the validity of this rejection, Applicants have elected, to expedite prosecution, to cancel claims 31-42 without prejudice or disclaimer of the subject matter contained therein. Reconsideration and withdrawal of this rejection are respectfully requested.

#### Closing Remarks

Applicants thank the Examiner for the Office Action and believe this response to be a full and complete response to such Office Action. Accordingly, favorable reexamination, reconsideration in view of this response and allowance of the pending claims are earnestly solicited.

#### FEE DEFICIENCY

If any additional extension is required, please consider this paper a petition for such a petition; Any fee for the extension required for consideration of this paper but not enumerated above can be charged to Account No. 50-0258.

#### AND/OR

If any additional fee is required for consideration of this paper, please charge Account No. 50-0258.

Respectfully submitted,



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Serial No. 103,287

Art Unit 1633

A reference relevant to the examination of this application may soon become available. *Ex parte* prosecution is SUSPENDED.

Certain papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Art Unit 1633 at (703) 308-4242. The faxing of such papers must conform with the rules published in the Official Gazette, 1156 OG 61 (November 16, 1993).

Any inquiry concerning this communication should be directed to J. Martinell at telephone number (703) 308-0296.



JAMES MARTINELL, Ph.D.  
SENIOR LEVEL EXAMINER